

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Susan Hineman	:	
	:	C-2023-3044412
v.	:	
	:	
Duquesne Light Company	:	

**INITIAL DECISION**

Before  
Jeffrey A. Watson  
Administrative Law Judge

**INTRODUCTION**

Complainant, a Limited Liability Company, filed a Formal Complaint against Respondent disputing electric utility bills received from Respondent and requesting a payment arrangement. Respondent filed an Answer and Motion to Dismiss Complaint for lack of jurisdiction due to Complainant’s failure to obtain legal counsel to prosecute the Formal Complaint. This decision grants the Motion to Dismiss Complaint.

**HISTORY OF THE PROCEEDING**

Susan Hineman (Complainant or Ms. Hineman) filed a Formal Complaint (Complaint) dated November 17, 2023, regarding 2134 Brodhead Road, Aliquippa, Pennsylvania (Service Location). Complainant alleges the existence of reliability, safety or quality problems with her electric utility service and seeks to be reimbursed for damages that she alleges to have sustained.<sup>1</sup>

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<sup>1</sup> Complaint at ¶ 4-5.

On December 18, 2023, Duquesne Light Company (Respondent, Duquesne Light or Company) filed its Answer and New Matter, contemporaneously with its Preliminary Objections. Respondent averred that Complainant is the owner and president of a restaurant and catering company called Harold's Inn which operates at the Service Location. Respondent avers it provides commercial electric service to the Service Location. Respondent avers that on April 10, 2023, Duquesne Light replaced a 3-phase electrical transformer set and safely restored electric service to Harold's Inn on April 11, 2023. Respondent denied that it caused or contributed to the incident described in the Complaint and denied that it acted negligently in any way.

Pursuant to 52. Pa. Code § 5.101, Respondent objected to the Complaint on the grounds that the Commission lacks jurisdiction to award monetary damages.

On January 18, 2024, this case was assigned to the undersigned presiding officer. hearing.

In its preliminary objections, Respondent averred that the subject of the Formal Complaint is beyond the jurisdiction of the Pennsylvania Public Utility Commission (Commission) as the Commission is without authorization to grant the Complainant's request for damages. Respondent requested that the Commission grant its Preliminary Objections and dismiss the portions of the Complaint that request money damages.

On February 5, 2024, Respondent filed a Motion For Judgment On The Pleadings (Motion), seeking to dismiss the Formal Complaint filed by Ms. Hineman, with prejudice. No response to the Motion has been filed by the Complainant.

On March 5, 2024, an Interim Order was entered granting the preliminary objections of Respondent, Duquesne Light Company and dismissing Complainant's request for money damages set forth in her Formal Complaint.

On March 5, 2024, an Interim Order was entered extending the deadline for Complainant to file a response to the Motion For Judgment On The Pleadings, filed by Respondent, seeking to dismiss the Formal Complaint, until March 29, 2024. No responsive pleading has been filed by Complainant to the New Matter or Motion For Judgment On The Pleadings.<sup>2</sup>

The Motion For Judgment On The Pleadings seeking to dismiss the Formal Complaint filed by Ms. Hineman, with prejudice, requests in part, that the Commission deem the allegations in the New Matter as admitted.<sup>3</sup> In addition, the Respondent requests that Complainant be required to have an attorney enter an appearance by a date certain.

On June 12, 2024, an Interim Order was entered extending the deadline for Complainant to file and serve a responsive pleading to the New Matter and a responsive pleading to the Motion For Judgment On The Pleadings to July 10, 2024. In addition, the Parties were reminded that the failure of Complainant to file a responsive pleading to the New Matter of Respondent, in a timely manner, consistent with the terms set forth in the Order, may result in all of the factual averments set forth in the New Matter of the Respondent being deemed admitted and a decision being entered against the Complainant, without a hearing or further notice in this proceeding. The Parties were also reminded of the Commission practice to require non-individual litigants, such as Limited Liability Companies, to be represented by counsel and to dismiss a complaint for failure to comply with an order requiring counsel to represent such complainants. No responsive pleading was filed by Complainant.

On July 22, 2024, an Interim Order was entered granting Respondent's request that the factual averments set forth in the New Matter filed by Respondent be deemed admitted. The Interim Order further provided that on or before August 30, 2024, Complainant, shall either: (1) cause its legal counsel to enter his or her appearance with the Commission in accordance with the provisions of 52 Pa.Code § 1.24(b), or (2) show cause in writing, filed with the Commission

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<sup>2</sup> Motion For Judgment On The Pleadings, ¶ 6.

<sup>3</sup> Motion For Judgment On The Pleadings, ¶ 22.

Secretary, as to why it is not required to be represented by counsel under the Commission's rules. The Parties were advised that the failure of Complainant to comply with the provisions of the Interim Order may result in the dismissal of the Formal Complaint filed in this proceeding, with prejudice, and without further notice or a hearing in this proceeding.

In addition, the Parties were again reminded of the Commission practice to require non-individual litigants, such as Limited Liability Companies, to be represented by counsel and to dismiss a complaint for failure to comply with an order requiring counsel to represent such complainants.

No response was received from Complainant or legal counsel for Complainant.

Accordingly, it is appropriate to close the evidentiary record and to issue a decision on the Motion For Judgment on the Pleadings.

Under the circumstances, the following order will be entered.

THEREFORE,

IT IS ORDERED:

1. That the record at Docket No. C-2023-3044412 is closed.
2. That a decision on the Motion For Judgment on the Pleadings filed by Respondent will be issued in this proceeding.

Date: September 18, 2024

\_\_\_\_\_/s/  
Jeffrey A. Watson  
Administrative Law Judge

**C-2023-3044412 - SUSAN HINEMAN v. DUQUESNE LIGHT COMPANY**

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